

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION**

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**DONALD CHRISENBERRY,**

**Plaintiff,**

**v.**

**LEVI KETCHER AND  
SYNERGY UNDERGROUND, LLC,**

**Defendants.**

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**Case No. 7:21-cv-00146**

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**NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Synergy HDD, Inc. (incorrectly named as Synergy Underground, LLC) (hereinafter “Synergy”) hereby removes this action from the 441<sup>st</sup> District Court, Midland County, Texas, to the United States District Court for the Western District of Texas.

**STATE COURT LAWSUIT**

1. This case involves a Texas citizen and resident, Plaintiff Donald Chrisenberry, who was allegedly injured in a motor vehicle accident. On 06-21-2021, Plaintiff filed suit against Synergy and Levi Ketcher in the 441<sup>st</sup> District Court, Midland County, Texas, Cause No. CV57705, claiming that his were caused by Synergy and Ketcher’s alleged negligence. Ketcher has not been served, to Synergy’s knowledge.

2. Synergy now removes this case to this Court based on diversity jurisdiction.

## **GROUND FOR REMOVAL**

3. This action is removable pursuant to 28 U.S.C. § 1441. As set forth herein, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because this action is between citizens of different states, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

4. Minimal Diversity Requirement. As alleged in the State Petition, attached hereto, this action is between citizens of different states. Upon information and belief, including the representation of Plaintiff's, Plaintiff is an adult citizen and resident of Texas. **Exhibit A** at ¶ 2.1, Plaintiff's Original Petition. Synergy is a citizen of a foreign state. Specifically, Synergy is an Oklahoma corporation with its principal place of business located at 110 South Walbaum Road, Calumet, Oklahoma 73014. Consequently, complete diversity exists because Plaintiff is a citizen of Texas, and Synergy is a citizen of Oklahoma.

5. Amount in Controversy Requirement. The amount in controversy in this action exceeds the sum or value of \$75,000, exclusive of interest and costs. Plaintiff seeks damages "substantially over" \$100,000.00. **Exhibit A** at ¶ 4.2.

## **PROCEDURAL REQUIREMENTS**

6. Timeliness of Removal. This Notice of Removal is timely because it is being filed within 30 days of Synergy receiving, through service or otherwise, a copy of the Plaintiff's Original Petition. 28 U.S.C. § 1446(b)(1). Synergy was served through its registered agent, Rick Warren, on 07-30-21.

7. Removal to Proper Court. This Court is the appropriate court to which this action must be removed because it is part of the district and division within which this action is pending, namely, Midland County, Texas. 28 U.S.C. §§ 1441(a), 1446(a).

8. Filing and Service. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be contemporaneously filed in the 441<sup>st</sup> Judicial District Court and served on all counsel of record.

9. Pleadings and Process. Synergy has not been served with any process, pleadings, or orders in this action other than the Citation and Plaintiff's Original Petition. *See* 28 U.S.C. § 1446(a). Synergy has filed an Original Answer in this matter. *See* **Exhibit D.**

10. Synergy reserves all of its rights and defenses, including without limitation those rights and defenses under Fed. R. Civ. P. 12.

11. Required Documents. Pursuant to 28 U.S.C. § 1446(a), the following documents are attached:

Exhibit B: An index of documents filed in the State Court action;

Exhibit C: A copy of the docket sheet in the State Court action;

Exhibit D: A copy of each document filed in the State Court action.

Respectfully submitted,

**WATSON, CARAWAY,  
MIDKIFF & LUNINGHAM, LLP**

/s/James W. Watson

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**ATTORNEYS FOR DEFENDANT**

**SYNERGY HDD, INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 27<sup>th</sup> day of August, 2021, that a true and correct copy of the foregoing document was served via e-mail on all parties in accordance with the Federal Rules of Civil Procedure.

/s/James W. Watson

James W. Watson